Analysis of a sample of the Cherry Balsam showed that it consisted essentially of extracts of plant drugs, chloroform 0.76 minim per fluid ounce, sugar, and water. It was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported and was represented to possess, since it was represented to contain 2 minims of chloroform per fluid ounce, whereas it contained not more than 0.76 minim of chloroform per fluid ounce. It was alleged to be misbranded (1) in that its labeling bore false and misleading representations regarding its efficacy in the cure, mitigation, treatment or prevention of chronic coughs; (2) in that its container was so made, formed, and filled as to be misleading; and (3) in that the statements, "Chloroform 2 minims to Fl. Oz.," and "Each Fluid Ounce Contains 2 minims Chloroform," were false and misleading.

Analysis of a sample of the Arabian Oil showed that it consisted essentially of soap, ammonia, turpentine, and water. It was alleged to be misbranded (1) in that it was a rubefacient, containing ammonia and turpentine and might cause irritation of the skin, particularly if applied with rubbing, and it should not be allowed to get into the eyes or on the mucous membranes and its labeling did not bear warnings to that effect; (2) in that its labeling bore false and misleading representations regarding its efficacy in the cure, treatment or prevention of pain incident to rheumatism, lame back, stiff joints, croup, swellings, wounds, etc.; and (3) in that its container was so made, formed, and filled as to be misleading.

Analysis of a sample of the Mentho-Thymoline showed that it consisted essentially of small proportions of camphor, menthol, and thymol, incorporated in a petrolatum base. It was alleged to be misbranded (1) in that its labeling bore false and misleading representations regarding its efficacy in the cure or treatment of inflammations, colds, croup, sore throat, burns, wounds, piles, headache, and earache; (2) in that the name "Mentho-Thymoline" was misleading, since it suggested that the article consisted solely of menthol and thymol, whereas it did not so consist, but did contain other active ingredients; and (3) in that its label failed to bear an accurate statement of the quantity of the contents.

Analysis of a sample of the Mettozone Tablets showed that they consisted essentially of small proportions of extracts of plant drugs, including nux vomica, and a phosphide of some metal such as zinc. It was alleged to be misbranded: (1) In that it contained zinc phosphide, the frequent or continued use of which might lead to chronic phosphorus poisoning, and it contained cantharides, the use of which might cause nausea, vomiting, and abdominal pain and might seriously injure the kindeys, and its labeling did not warn of such dangers, and its use by persons afflicted by disease of the kidneys might be especially dangerous; (2) in that its labeling bore false and misleading representations regarding its efficacy in the cure, mitigation, treatment or prevention of sexual debility, weakened sexual powers, or impotency.

Analysis of a sample of the Climax C. & P. R. showed that it consisted essentially of extracts of plant drugs including capsicum, chloroform, alcohol, and water. It was alleged to be misbranded in that its labeling bore false and misleading representations regarding its efficacy in the cure, mitigation, treatment or prevention of pain in the bowels, cramp, colic, and diarrhea; and in that its container was so made, formed, and filled as to be misleading.

Analysis of a sample of the Bu-U Diuretic showed that it consisted essentially of extracts of plant drugs, small proportions of potassium acetate, alcohol, and water, preserved with sodium benzoate and colored with caramel. It was alleged to be misbranded in that representations in the labeling that it was a diuretic and would strengthen the kidneys and would assist in eliminating poisons and wastes from the system were false and misleading since it was not a diuretic, and would not be efficacious for the purposes claimed; and in that its container was so made, formed, and filled as to be misleading.

On September 14, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of $5.00 and ordered that payment be suspended during good behavior by the defendant.

806. Adulteration and misbranding of W. K. Sterline's Compound. U. S. v. Webster K. Sterline (W. K. Sterline). Plea of guilty. Fine, $700; payment of $600 suspended. (F. D. C. No. 6417. Sample No. 5019-E.)

On March 7, 1942, the United States attorney for the Southern District of Ohio filed an information against Webster K. Sterline, trading as W. K. Sterline at Sidney, Ohio, alleging shipment on or about December 30, 1940, from the State

of Ohio into the State of Kentucky of a quantity of W. K. Sterline's Compound which was adulterated and misbranded.

Analysis of a sample of the article showed that it contained 15.25 grains of potassium iodide and 14.46 grains of sodium bromide per fluid ounce. (It contained 5.56 percent of alcohol by volume.)

The article was alleged to be adulterated in that its strength differed from that which it purported and was represented to possess in that the statements on the label, "Potassium Iodide 7.59 gr., Sodium Bromide 7.59 gr. * * * to each fluid ounce," represented and suggested that it contained not more than 7.59 grains of potassium iodide and not more than 7.59 grains of sodium bromide to each fluid ounce, whereas it contained 15.25 grains of potassium iodide and 14.46 grains of sodium bromide to each fluid ounce.

It was alleged to be misbranded (1) in that its label failed to bear adequate warnings against use in those pathological conditions or by children where its use might be dangerous to health, or against unsafe dosage in such manner and form as are necessary for the protection of users since, because of the presence of potassium iodide, it should not be used in cases of lung disease, chronic cough, or goiter, and its use should be discontinued in the event a skin rash should appear; frequent or continued use might lead to mental derangement, skin eruptions, or other serious effects; and, because of the presence of sodium bromide, it should not be used by those suffering from kidney disease; (2) in that its labeling failed to bear adequate directions for use since the labeling failed to state that it should not be administered to children under 6 years of age; and (3) in that the statements, "Alcohol 10 Per Cent to each Fl. Oz.," and "Potassium Iodide 7.59 gr., Sodium Bromide 7.59 gr. * * * to each fluid ounce," were false and misleading since the article contained not more than 5.56 percent of alcohol, and contained 15.25 grains of potassium iodide and 14.46 grains of sodium bromide per fluid ounce.

On July 13, 1942, the defendant having entered a plea of guilty, the court imposed a fine of $350 on each of the 2 counts but suspended payment of $300 on each count, making the total fine paid $100.

807. Adulteration and misbranding of Howell's Cocoa & Quinine Syrup, Howell's Antiseptic Healing Oil, and Howell's Blue Label Cough Syrup, and misbranding of Howell's Epsom Salt, Hi-Qual Quinine Sulphate, and Howell's Hi-Qual Balm. U. S. v. The Howell Company, Inc. Plea of nolo contendere. Fine, $90. (F. D. C. No. 7264. Sample Nos. 9079–E, 9080–E, 35065–E, 35066–E, 35068–E, 35685–E.)

The labeling of the Healing Oil failed to bear adequate warning statements and bore false and misleading statements regarding its curative, therapeutic, and antiseptic properties. The product also contained carbolic acid in excess of the amount claimed. The labeling of the Epsom salt failed to bear adequate directions for use and adequate warning statements. The Cocoa and Quinine Syrup was deficient in quinine sulfate. The Cough Syrup was deficient in chloroform. The bottles of quinine sulfate contained less than the labeled amount. The labeling of the Hi-Qual Balm bore false and misleading curative and therapeutic claims.

On July 9, 1942, the United States attorney for the Eastern District of Louisiana filed an information against the Howell Co., Inc., New Orleans, La., alleging shipment, within the period from on or about February 21, 1940, to on or about January 6, 1941, from the State of Louisiana into the States of Texas, Alabama, and Mississippi of quantities of the above-named drugs which were misbranded and portions of which were also adulterated.

Analysis of a sample of the Healing Oil showed that it consisted essentially of an oil containing camphor and 2.4 percent of phenol; tests showed that it was not antiseptic when used as directed. It was alleged to be adulterated (1) in that its strength differed from that which it purported and was represented to possess, since it was represented to contain 2 percent of carbolic acid, whereas it contained not less than 2.4 percent; and (2) in that its strength differed from and its quality fell below that which it purported to and was represented to possess, since it was represented to be an antiseptic but it was not an antiseptic.

The Healing Oil was alleged to be misbranded (1) in that its labeling failed to bear a warning that a bandage should not be used when the article was applied to fingers and toes, and that it should be applied according to directions and in no case to large areas of the body; (2) in that the statement, "2% Carbolic Acid," borne on the bottles and some of the cartons, and the statement, "Antiseptic," borne on the bottles and cartons, were false and misleading since the article contained more than 2 percent of carbolic acid, and it was not